

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EMPIRE STATE CARPENTERS WELFARE,
PENSION, ANNUITY, APPRENTICESHIP,
CHARITABLE TRUST, LABOR
MANAGEMENT COOPERATION, and
SCHOLARSHIP FUNDS AND THEIR
BOARDS OF TRUSTEES,

Plaintiffs,

-against-

ORDER

10 CV 3031 (DRH) (ARL)

ANIMUS ENTERPRISES CORP.

Defendant.

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HURLEY, Senior District Judge:

On May 6, 2011, this Court granted plaintiffs' motion for an entry of default judgment against defendant Animus Enterprises Corp., and referred the case to Magistrate Judge Arlene R. Lindsay, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation as to damages and attorneys' fees. On December 15, 2011, Judge Lindsay issued a Report and Recommendation that "an order be issued directing the defendant to permit and cooperate in [plaintiffs'] audit of [defendant's] books and records within thirty days of the date the order is entered." (R&R at 1.) Judge Lindsay further recommended that judgment be entered against defendant for the following amounts: (1) \$552.00 in attorneys' fees, and (2) \$508.72 in costs. On January 3, 2012, defendant was served with a copy of the Report and Recommendation. More than fourteen days have elapsed since service of the Report and Recommendation. No party has filed any objections.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both

its reasoning and its result. Accordingly, the Court adopts the December 15, 2011 Report and Recommendation of Judge Lindsay as if set forth herein.

The Court hereby directs defendant Animus Enterprises Corp. to permit and cooperate in an audit of its books and records within thirty (30) days of the date of this Order. Further, defendant Animus Enterprises Corp. is directed to furnish plaintiffs with information, books, records, and reports in accordance with its obligations pursuant to ERISA and the agreements described in the Report and Recommendation. (*See* R&R at 3.) Furthermore, the Court directs that plaintiffs recover from defendant Animus Enterprises Corp. the amount of \$1,060.72, as itemized below, and that judgment be entered accordingly:

- (1) \$552.00 in attorneys' fees; and
- (2) \$508.72 in costs.

Upon entry of judgment, the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, New York
January 18, 2012

/s/

Denis R. Hurley
United States District Judge